

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

OPERATING ENGINEERS LOCAL #49
HEALTH AND WELFARE FUND AND
CENTRAL PENSION FUND OF THE
INTERNATIONAL UNION OF
OPERATING ENGINEERS AND
PARTICIPATING EMPLOYERS,
LOCAL #49 INTERNATIONAL UNION
OF OPERATING ENGINEERS AND
ASSOCIATED GENERAL
CONTRACTORS OF MINNESOTA
APPRENTICESHIP AND TRAINING
PROGRAM AND THEIR TRUSTEES,
Plaintiffs,

Civil No. 09-0242 (JRT/RLE)

ORDER TO SHOW CAUSE

v.

WAGNER EXCAVATING, LLC,
Defendant.

Amy Court, **MCGRANN, SHEA, ANDERSON, CARNIVAL, STRAUGHN & LAMB, CHTD**, 800 Nicollet Mall, Suite 2600, Minneapolis, MN 55402, for plaintiffs.

The above matter came before the District Court upon Plaintiffs' Motion for Order to Show Cause as to why Defendant should not be held in civil contempt for failing to obey the Court's previous Order, dated and filed May 6, 2009. Pursuant to Plaintiffs' Motion, the Court now makes the following Order:

IT IS HEREBY ORDERED:

Defendant Wagner Excavating, LLC and David Wagner are hereby ordered to personally appear before this Court on **July 20, 2009 at 10:30 a.m.** at the United States Courthouse, Courtroom 13E, 300 South Fourth Street, Minneapolis, Minnesota to show cause, if any, why a contempt of court Order should not be entered adjudging it in civil contempt of this Court for failing to submit to Plaintiffs the a complete set of the business records specified in the Court's Order for the period of April, 2008 through the present and to show cause why David Wagner should not be committed to confinement until compliance with the Court's Order of May 6, 2009.

DATED: June 18, 2009
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge